

**U.S. Department of Labor**  
**Occupational Safety & Health Administration**  
**El Paso Area OSHA Office**  
**4849 N. Mesa Street, Suite 200**  
**El Paso, TX 79912**  
**Reply to the attention: Office of Whistleblower Protection Program**



April 7, 2015

Melissa Fletcher delivered via [melissa@themoralesfirm.com](mailto:melissa@themoralesfirm.com)  
115 E. Travis Suite 1530  
San Antonio, TX  
Complaint: Mr. Matthew Duggins

Re: Dee King Trucking LLP/Matthew Duggins/6-4140-14-083 (Kick out)

Dear Ms. Fletcher:

On September 8, 2014, you on behalf of your client Mr. Matthew Duggins, filed a complaint under the Surface Transportation and Assistance Act (STAA) 49 U.S.C. §31105, against Dee King Trucking. This letter is a notification that more than 210 days have passed since your client filed his complaint.

This is significant because under the Act if the Secretary has not issued a final decision within 210 days of the complaint's filing and the delay is not shown to be due to Complainant's bad faith, the complainant may bring a *de novo* action in Federal District Court (18 U.S.C. §1514A(b)(1)(B)).

On April 7, 2015, you notified this office via email that you wished to exercise the "Kick-Out" provision of the STAA, which will allow you to file the above-captioned case in Federal Court, has been approved.

As a result, of your electing to proceed with your case in Federal Court, rather than before the Secretary of Labor, the complaint before this office has been dismissed.

If at any time you have questions or require further information regarding employee or employer rights and responsibilities under STAA or any other whistleblower statute administered by OSHA, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Anthony Incristi".

Anthony Incristi  
Assistant Regional Administrator – Whistleblower Programs  
Region 6 Dallas, TX

cc: Respondent

